



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 9

TOLER & LARSON & ABEL, L.L.P.
P.O. BOX 29567
AUSTIN, TX 78755-9567

COPY MAILED

NOV 26 2003

OFFICE OF PETITIONS
ON PETITION

In re Application of
Dahlin et al.
Application No. 09/992,036
Filed: November 23, 2001
Attorney Docket No. 1039-0040

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 13, 2003, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed December 7, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on February 8, 2002. A Notice of Abandonment was mailed on October 20, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1005.00 extension of time fee submitted with the petition on November 13, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The file is now being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: John R. Schell
TOLER, LARSON & ABEL, LLP
5000 Plaza On The Lake
Suite 265
Austin, TX 78746

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>11-20-03</u>		2 Serial/Patent # <u>D9992036</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
↓	Extension of Time	#5	11-13-03	\$ 1005.00
	Notice of Appeal/Appeal			\$
	Petition			\$
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
/	Assignment			\$
	Other			\$
			7 TOTAL AMOUNT OF REFUND	
			\$ 1005.00	
8 TO BE REFUNDED BY:				
		Treasury Check		
		Credit Deposit A/C #:		
		<div style="border: 1px solid black; display: inline-block; padding: 2px;"> 50 -- 2469 </div>		
10 REASON:				
	Overpayment			
↓	Duplicate Payment			
↓	No Fee Due (Explanation):			
<div style="font-family: cursive; font-size: 1.2em;"> EOT filed outside of maximum extendable timeframe - unnecessary </div>				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Liana Chase</u>		TITLE: <u>Paralegal</u>		
SIGNATURE: <u>Liana Chase</u>		PHONE: <u>306-0482</u>		
OFFICE: <u>Off. of Petitions</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>[Signature]</u>		DATE: <u>11/26/03</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: